

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                              |   |                |
|------------------------------|---|----------------|
| _____                        | ) |                |
| SHAWN DRUMGOLD,              | ) |                |
| Plaintiff                    | ) |                |
|                              | ) |                |
| v.                           | ) |                |
|                              | ) | 04-CV-11193-NG |
| TIMOTHY CALLAHAN, FRANCIS    | ) |                |
| M. ROACHE, RICHARD WALSH and | ) |                |
| THE CITY OF BOSTON,          | ) |                |
| Defendants                   | ) |                |
| _____                        | ) |                |

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE AT TRIAL  
PLAINTIFF'S CITED CASES OF ALLEGED PAST POLICE MISCONDUCT**

Defendants, the City of Boston and Francis M. Roache, move the Court *in limine* to preclude from the evidence in the trial against them all of the cases of alleged past police misconduct cited by the Plaintiff pursuant to Rule 402 of the Federal Rules of Evidence as these cases are not relevant to proving the elements of the Plaintiff's claims against the City of Boston and Commissioner Francis M. Roache.

As grounds therefore, the Defendants state that should this Court decide to limit the retrial of this action against Defendant Timothy Callahan to adjudicating the matter of causation required by 42 U.S.C. § 1983 to the single constitutional violation found by the jury in Phase I of the first trial, then those cases which Plaintiff has identified to date that he intends to offer at any subsequent trial of this action with regard to his claims of municipal and supervisory liability against the City of Boston and former commissioner Francis M. Roache must be precluded as these cases do not concern misconduct cases where officers were accused of improperly disbursing funds to witnesses in lieu of their cooperation and testimony at trial.

WHEREFORE, for the reasons stated herein, Defendants request that the Court rule in limine that Plaintiff's cases of alleged past police misconduct are not relevant, must be excluded from the evidence of this case, and may not be the subject of question or comment by Plaintiff at trial or the retrial concerning the question of causation.

Further support for this Motion is provided in the accompanying Memorandum of Law.

Respectfully submitted,  
By Defendants City of Boston and  
Francis M. Roache  
Through their attorneys,

/s/ John P. Roache  
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Date: June 2, 2008

CERTIFICATE OF SERVICE

I, John P. Roache, hereby certify that on June 2, 2008, I served a copy of the above upon counsel of record by filing with the ECF/Pacer Case Management System.

/s/ John P. Roache  
John P. Roache